

**STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY, FISH
WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS OF THE HOUSE COMMITTEE ON
RESOURCES, ON PERSONAL WATERCRAFT USE IN THE NATIONAL PARK
SYSTEM.**

May 4, 2005

Mr. Chairman and Members of the subcommittee, thank you for holding this oversight hearing on personal watercraft (PWC) use in the National Park System.

Providing for the enjoyment of park resources and values is part of the fundamental purpose of all units of the National Park System. Since the establishment of the NPS in 1916, conservation of our parks and the means to enjoy them have been a high priority for Congress and for park managers. The desire to provide access to park resources is the reason roads, accommodations, and recreational facilities have been built in national parks. It is also the reason that we continuously seek ways to provide appropriate recreation opportunities and to improve the experience for all our visitors.

Among the types of recreational uses currently permitted in national parks, personal watercraft use became popular in the 1980s. Since that time, personal watercraft use has occurred at some level in approximately 32 of the 87 areas of the National Park System that allow motorized boating.

The NPS has grouped personal watercraft with all other vessels. Historically, people could use personal watercraft within a unit when special regulations published within the Superintendents Compendium allowed the use of other vessels. By the late 1990s, 87 park units allowed motorized boating, including PWCs, and the NPS had specifically addressed personal watercraft use at only seven of those units. Through the implementation of horsepower restrictions, general management plan revisions, and park specific regulations, the NPS had prohibited use at Yellowstone and Everglades National Parks and had restricted use in four other units.

Given the wide variety of park units, the appropriateness of a given recreational activity will vary from park to park. An appropriate use of a park is based, first, on the mandated purposes established by individual parks enabling legislation, as well as the sensitivity of the resources, values, and visitor access. NPS Management Policies (8.1, 1998, 2001) direct that, because of differences in individual park enabling legislation and resources and differences in the missions of the NPS and other Federal Agencies, an activity that is entirely appropriate when conducted in one location may be inappropriate if conducted in another.

In 1998, the Bluewater Network filed a petition urging the NPS to initiate a rulemaking process to prohibit personal watercraft use throughout the entire national park system. The NPS initiated a series of individual administrative and rulemaking procedures to determine where and how PWCs should be regulated.

In May 2000, the NPS published a final regulation identifying 21 units of the National Park System that could consider continued PWC use. The service-wide regulation (36 C.F.R. 3.24) states that PWC use may only be designated at the 21 units identified in the regulation. The final rule gave park managers until September 2002 to determine whether to pursue a new rulemaking procedure to continue to allow PWC use in each unit.

In August of 2000, the NPS negotiated a settlement agreement with the Bluewater Network and its parent organization, The Earth Island Institute. The settlement agreement was in response to a lawsuit that challenged the above NPS decision to allow continued personal watercraft use in 21 units while prohibiting personal watercraft use in other units. The settlement agreement specified that there would be no PWC use within any unit of the National Park System after September 15, 2002, without a comprehensive environmental analysis and a rule allowing that use in the unit. Under the requirements of the settlement agreement, each environmental analysis must, at a minimum, evaluate personal watercraft impacts on water quality, air quality, sound, wildlife, wildlife habitat, shoreline vegetation, visitor conflict, and visitor safety.

Of the 21 units originally considered in the service-wide rule for continued PWC use, five units have made an administrative determination not to complete the rulemaking process to allow PWCs. This determination was based on an assessment of a unit's legislative history, regulatory authorities, and the required analysis of sound, air quality, wildlife safety concerns, visitor use, and the purpose for the park as described in its

authorizing legislation. Each determination was made with public participation, including public meetings and participation by advisory commissions and state and local governments.

Seven of the 16 remaining parks have completed the rulemaking process and are open for PWC use. The remaining nine parks are in the process of completing NEPA, promulgating regulations, or are near completion of their regulations. The final rule for Bighorn Canyon National Recreation Area is currently under final signature review and should be published in the Federal Register in the very near future. The final rules for Pictured Rocks National Lakeshore, Gulf Islands National Seashore, and Fire Island National Seashore will be published during mid-summer of 2005. Curecanti National Recreation Area, Gateway National Recreation Area, and Cape Lookout National Seashore are scheduled to complete the process before the summer of 2006.

Since 2000, the NPS has devoted substantial resources to the study of appropriate methods of managing personal watercraft in units of the National Park System. The laws and policies applicable to the management of the National Park System afford the Service broad discretion and mandate no single method for satisfying our responsibility to protect park resources. The NPS can use a variety of administrative tools, including visitor education, increased enforcement, regulatory measures such as seasonal closures or flat wake zones, and use limits (numerical caps or those related to time-of-day) to manage personal watercraft use. In no alternatives selected by NPS did the analysis find that PWCs caused significant environmental impacts.

By utilizing these management strategies, units such as Lake Mead and Glen Canyon National Recreation Areas continue to be known as premier locations for water based recreation. For example, the Lake Mead National Recreation Area (NRA) Lake Management Plan (NPS 2002) established a lake carrying capacity, implemented management zoning to separate recreational activities and is incorporating a phase-in of cleaner engine technologies.

Lake Mead NRA has also made a significant investment to support boating education with the construction of the Boating Education Center. This contemporary classroom facility is available to all organizations that offer courses on boating safety.

In Glen Canyon National Recreation Area, PWCs continue to be a very popular recreational activity and their use has increased 12 percent since 2001. Glen Canyon continues to conduct and implement the various studies identified in the Final Rule for Personal Watercraft Use in Glen Canyon National Recreation Area (May 2003). This information will allow management the ability to apply adaptive management principles to areas on Lake Powell to maximize a positive and safe experience for all park visitors.

Finally, in those areas where PWC use is allowed, the parks rely heavily on our partners in the gateway communities to educate visitors and encourage responsible and safe use of PWCs in our parks. The NPS also relies on industry to develop new technologies that may help parks balance visitor use and resource conservation. Thanks to industry investments in hull insulation and other technologies, today's PWCs are cleaner and

quieter, and manufacturers are working to bring their customers even quieter vessels in the future.

In conclusion, the NPS is dedicated to improving recreation opportunities for all park visitors and will continue to seek to provide opportunities to the public, including PWC users, where appropriate.

Thank you, Mr. Chairman, for inviting the NPS to testify on the use of personal watercraft in the National Park System. I would be happy to answer any questions you or any Members of the subcommittee may have.